

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Carl E Wells**
Docket No. **285056**
L.C. No. **07-028851 FY**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed on April 21, 2008, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the April 12, 2007, judgment of sentence as required by MCR 7.205(F)(3) and there is no authority that starts the 12-month appeal period on entry of the August 22, 2007, order denying the motion for resentencing. MCR 7.205(F)(3)(b) is inapplicable because the motion was not filed within the initial appeal period between April 13, 2007, and May 3, 2007. MCR 7.205(F)(4) is inapplicable because the trial court order denying the motion for resentencing was entered just 12 days after the motion was filed and the defendant had more than eight months after the August 22, 2007, order in which to file the application for leave to appeal under MCR 7.205(F)(3). Finally, MCR 6.509(A) is inapplicable because defendant filed a motion for resentencing, not a motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 14 2008

Date

Sandra Schultz Mengel
Chief Clerk